

REMARKS:

Claims 1-16 have been examined. Claims 1 and 9 have been amended therein. Claims 2, 6, 10, and 14 has been cancelled without prejudice or disclaimer; therefore, rendering each specific objection/rejection against each of those claims moot. Thus, Claims 1, 3-5, 7-9, 11-13, and 15-16 are now presented for examination.

Drawing Objections:

Replacement sheets that amend drawing Figures 1-3 are attached. These amendments remove reference characters 3 and 4 from Figure 2. Additional reference characters have also been added to each of the figures and corresponding description in the specification, by way of the attached specification amendments. All references numbers are now consistent throughout the drawings and specification.

112 Rejections

Independent claims 1 and 9 have been amended to more clearly define the “non-sealing area” by reciting the step of “selecting a sealing area of the foil for forming a seal between the foil and the flexible package and a non-sealing area of the foil not to be sealed to the flexible package” and the subsequent step of “adhering the active film and foil combination to the flexible package by forming a seal between the sealing area of the foil and the flexible package.” This language also adds an attachment step to the method, as required by the office action. The language “...is later attached to the flexible package...” has been removed from the claims.

102 and 103 Rejections

The claims have been amended to positively recite the steps of:

- “selecting a sealing area of the foil for forming a seal between the foil and the flexible package and a non-scaling area of the foil not to be sealed to the flexible package;” and
- “applying the active film to the heated foil in the non-scaling area of the heated foil to produce an active film and foil combination...”.

The Office Action states that “[t]he only positively recited steps in claim 1 are heating a foil; applying an active film to the heated foil, wherein the active film comprises an active agent and a polymer; and applying pressure to the heated foil and active film combination so that the active film adheres to the foil. For examination purposes, the method will be limited to these positively recited steps.”

In view of the amended claim language noted above, the “scaling area” of the foil and the positively recited step of “applying the active film...in the non-scaling area” are entitled to consideration during examination. None of the cited references teach these limitations.

Neteler (“US 6,531,197”) teaches a bag with walls 12a and 12b having an inner layer 24 of microporous polyolefin impregnated with silica to absorb moisture. The reference teaches that the walls 12a and 12b are joined at a seam formed by heat sealing, but fails to teach omission of the inner layer 24 material at the location of the seam.

Mason (US 4,372,098), Hekal ‘520 (US 6,316,520), Hekal ‘183 (US 6,177,183), and Hekal ‘952 (US 6,174,952) similarly fail to teach application of an active film to a non-scaling area of a heated foil, as discussed in detail in the reply filed June 8, 2010.

Therefore, as detailed above, with respect to each 102 or 103 rejection, each reference cited in the Office action either (1) does not anticipate all limitations of independent claims 1 and 9 and/or (2) does not render unpatentable independent claims 1 and 9 in view of the reference, by itself or in combination with the other cited references as asserted by the Office Action.

Further, it is noted that each dependent claim depends (directly or indirectly) from the independent claims 1 or 9. Thus, while various features recited in these dependent claims may be patentably distinct on their own, in order to expedite prosecution of the application, it will simply be noted here that each of these dependent claims is submitted to be patentably distinct for at least the same reasons as the independent claim from which it depends.

Additionally, it is noted that, as detailed above, this Amendment is fully supported by the originally filed application and thus, no new matter has been added. For this reason, the Amendment should be entered.

Accordingly, it is respectfully submitted that each rejection raised by the Office Action has been overcome and that the above-identified application is now in condition for allowance.

In view of the foregoing amendments and remarks, Applicants' attorney respectfully requests allowance of Claims 1, 3-5, 7-9, 11-13, and 15-16. If such action cannot be taken, however, the Examiner is cordially invited to place a telephone call to Applicant's attorney to resolve any outstanding issue without the issuance of a further Office Action.

Favorable reconsideration is earnestly solicited.

Respectfully submitted,
GREENBERG TRAURIG, LLP

Dated: October 29, 2010

By: /Barry J. Schindler/
Barry J. Schindler
Registration No. 32938

Mailing Address:
GREENBERG TRAURIG, LLP
MetLife Building
200 Park Avenue
New York, NY 10166
Telephone: (212) 801-9200
Facsimile: (212) 801-6400